

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER A. IRELAND,)	
)	Civil Action No. 10 - 387
Plaintiff,)	Electronic Mail
)	
v.)	Judge Cercone /
)	Magistrate Judge Lenihan
DONNA JO MCDANIEL; J. RICHARD)	
NARVIN; THOMAS N. FARRELL; JOHN)	
DOE; LAURA DITKA; GREGG)	
MATTHEWS; NYKEISHA THOMAS;)	
ALLEGHENY POLICE DEPARTMENT;)	
ALLEGHENY COUNTY SALARY)	
BOARD; ALLEGHENY COUNTY OFFICE)	
OF PUBLIC DEFENDER; and)	
ALLEGHENY COUNTY OFFICE OF)	
DISTRICT ATTORNEY)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (ECF No. 1) on February 1, 2010, and following its transfer from the United States District Court for the Eastern District of Pennsylvania, was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On January 27, 2011, the magistrate judge filed a Report and Recommendation recommending that the Motion to Dismiss filed by Defendant McDaniel (ECF No. 31) be granted, that the Motion to Dismiss filed by Thomas Farrell (ECF No. 46) be granted, that the Motion to Dismiss filed by Defendants Allegheny County Police Department, Allegheny County Public Defender's Office, Allegheny County District Attorney's Office, Laura Ditka and Gregg Matthews (ECF No. 52) be granted except as to Plaintiff's malicious prosecution and selective

prosecution claims against Defendant Gregg Matthews. It further recommended that the Complaint be dismissed with prejudice against Defendant Nykeisha N. Thomas and Public Defender John Doe in accordance with the directives of the Prison Litigation Reform Act under 28 U.S.C. § 1915(e)(2) and that Plaintiff's Motion for Partial Summary Judgment (ECF No. 62) be denied. Plaintiff was granted an extension of time to file objections by February 25, 2011 and he filed Objections to the Report and Recommendation on February 28, 2011 (ECF No. 75). Plaintiff's Objections do not undermine the recommendation of the magistrate judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 3rd day of March, 2011;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant McDaniel (ECF No. 31) is **GRANTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Thomas Farrell (ECF No. 46) is **GRANTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendants Allegheny County Police Department, Allegheny County Public Defender's Office, Allegheny County District Attorney's Office, Laura Ditka and Gregg Matthews (ECF No. 52) is **GRANTED EXCEPT** as to Plaintiff's malicious prosecution and selective prosecution claims against Defendant Gregg Matthews.

IT IS FURTHER ORDERED that the Complaint is **DISMISSED** with prejudice against Defendant Nykeisha N. Thomas and Public Defender John Doe in accordance with the directives of the Prison Litigation Reform Act under 28 U.S.C. § 1915(e)(2).

IT IS FURTHER ORDERED that Plaintiff's Motion for Partial Summary Judgment (ECF No. 62) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 73) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that this case is **REMANDED** back to the Magistrate Judge for further pretrial proceedings.



David Stewart Cercone
United States District Judge

cc: Christopher A. Ireland
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(Via First Class Mail)

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